

### **REMARKS**

The applicant has carefully considered the Office Action dated June 20, 2008, and the references cite therein. By way of this Response, claims 1, 5, 65 and 73 have been amended, claims 1, 2, 4-11, 15 and 65-74 remain pending, and claims 3, 12-14 and 16-64 remain canceled without prejudice to further prosecution.

The examiner noted that claims 7 and 65-74 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. The applicant thanks the examiner for noting this allowable subject matter. In view of the amendments and remarks herein, it is respectfully submitted that all pending claims 1, 2, 4-11, 15, and 65-74 are now in condition for allowance, and favorable reconsideration is respectfully requested.

### **The Double Patenting Rejections**

The examiner rejected independent claim 1 and dependent claims 2, 4 and 8-11 on the ground of nonstatutory obviousness-type double patenting over claims 37-41 of U.S. Patent No. 7,293,845. While applicant does not agree that such rejection is accurate, applicant has decided to submit the Terminal Disclaimer filed herewith to overcome the present double patenting rejection of these claims. The inventor for this application is the same as for the 7,293,845 patent, and this application and the 7,293,845 patent have the same owner. Accordingly, it is respectfully submitted that the nonstatutory obviousness-type double patenting rejections should be withdrawn.

### **The 35 U.S.C. § 112 Rejections**

The examiner rejected independent claims 65 and 73, and dependent claims 5, 66-72 and 74 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner asserted that it is unclear in claim 5 whether or not the at least one other drawer interlock includes its own flexible member or if the flexible member of the first interlock claimed serves as the flexible member of the second interlock claimed. With the amendment to claim 5 herein, it is clear that applicant is not claiming an entire second interlock with another flexible member, but instead is focusing on at least one other rotatable lever which acts on the same flexible member as was part of the first interlock claimed.

With respect to claims 65 and 73, the examiner asserted that it is unclear what relationship the drawer slide member has with respect to the cam member and the actuation member, that the sequence of how the movements are enacted needed to be described in some manner, that the cam member's movement with respect to the actuating member is not clearly defined, and that it is unclear how a slot can be attached to the drawer slide member. Applicant has amended claims 65 and 73 herein to address each of the examiner's assertions, clarifying the relationship of the noted members and their respective relationship and interaction. For instance, claim 65 now includes that the slot is in a drawer slide member, and includes the phrase, "wherein the actuating member moves via the cam drive surface with the cam being moved via the projection being

engaged with the slot in the drawer slide member”, to better describe the relationship and interaction of the components. Somewhat similarly, claim 73 now includes that the slot is in a drawer slide member, and includes the phrase, “wherein the rotatable lever moves via the engagement member with the engagement member being moved via the projection being engaged with the slot in the drawer slide member”, to better describe the relationship and interaction of the components. These amendments to independent claims 65 and 73 should additionally remove the rejections of respective dependent claims 66-72 and 74.

Accordingly, applicant respectfully submits that the rejection of claims 5 and 65-74 based on 35 U.S.C. 112, second paragraph, should be withdrawn.

#### **The 35 U.S.C. § 102 Rejections**

The examiner rejected claims 1, 4-6, 10 and 15 under 35 U.S.C. 102(b) as being anticipated by Mitchell (U.S. 5,427,445).

Applicant’s amendment to claim 1 introduces a further distinguishing feature, namely that the rotatable engagement member is rotatable relative to the rotatable lever, thereby overcoming the rejection over Mitchell, as discussed herein.

Within the rejection of claims 1, 4-6, 10 and 15 as anticipated by Mitchell, the examiner refers to the blocker 20 of Mitchell to find both the required rotatable lever/actuating member (pointing to the small portion of 20 with 31, 32, 34, as seen in Fig. 5 of Mitchell) and the required rotatable engagement member/cam member (pointing to the large portion of 20 with surface A, also as seen in Fig. 5). In Mitchell, the blocker 20, with its smaller and larger portions, moves as one piece. Therefore, the components

the examiner has identified as being embodied within these two portions do not rotate relative to each other, but instead rotate together as a unitary body. This is in direct contrast to the rotatable lever and rotatable engagement member of amended independent claim 1, which rotate relative to each other.

The above-discussed amendment to claim 1 distinguishes over Mitchell. It is well settled that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The claimed “rotatable engagement member that is rotatable relative to the rotatable lever and is positioned to cause said rotatable lever to rotate toward said first position when said drawer is initially moved from the closed position in the first direction” is not present in Mitchell. For the above reasons, independent claim 1 is patentable over Mitchell and is not anticipated or rendered obvious by Mitchell.

Given that claims 2, 4, amended claim 5, 6-11 and 15 all depend directly or indirectly from claim 1, and add further limitations thereto, these dependent claims also are patentable over Mitchell.

**Conclusion**

Applicant appreciates the examiner's consideration of this Response, and would appreciate the updating of the application file to reflect the new Attorney Docket No. 3202-0004.

Based on the foregoing remarks, it is respectfully submitted that all of the pending claims 1, 2, 4-11, 15, and 65-74 are in condition for allowance. If the examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the examiner is invited to contact the undersigned at the number identified below.

The application still has no more than 3 independent claims and a total of no more than 20 claims. Accordingly, it is believed that no additional fees beyond the fee of \$130.00 for the Terminal Disclaimer should be due for the amendments herein. Nevertheless, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 50-1039.

Respectfully submitted,

COOK ALEX LTD.  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

By: /David M. Thimmig/  
David M. Thimmig  
Registration No. 36,034  
Attorney for the Applicant

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